

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

VICTOR B. WHITE,	[
Plaintiff,	[
-vs-	[CA NO:3:06-2142
	[<u>O R D E R</u>
SPORT CLIPS, HAIRCUTS,	[
5542 FOREST DRIVE-SUITE 118	[
COLUMBIA, SC 29206	[
SPORT CLIPS HAIRCUTS	[
378 COLUMBIANA DRIVE-SUITE 3	[
COLUMBIA, SC 29212; AND	[
SPORT CLIPS HAIRCUTS	[
10210B TWO NOTCH ROAD	[
COLUMBIA, SC 29233,	[
Defendants.	[

This is an employment discrimination case filed by the plaintiff Victor B. White pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et. seq.*; the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621, *et. seq.*; the Older Workers Benefit Protection Act (OWBPA), 42 U.S.C. §1981; and 42 U.S.C. §1983. Plaintiff has also filed a cause of action for defamation under South Carolina law. Defendants deny the plaintiff's allegations. Defendants Sport Clips on Forest Drive and Sport Clips on Columbian Drive have filed motions for summary judgment. Defendant Sports Clips on Two Notch Road has filed a motion to dismiss. Plaintiff has filed his own motion for summary

judgment and as well as a motion to strike.

In the underlying matter, the plaintiff alleges that the defendants rejected his applications for employment as a hair stylist because of his age, race, religion and sex. The record reflects that the plaintiff is an African American male who was over the age of 40 when the alleged incidents occurred. Defendants Sport Clips all acknowledge that they did not hire the plaintiff. Defendant Sport Clips Two Notch Road claims it did not hire plaintiff because he failed a technical haircut evaluation and exhibited inappropriate and aggressive behavior when he was advised that he would be offered employment. . Defendants Sport Clips Forest Drive and Sport Clips Columbiana Drive assert that they did not hire the plaintiff because he was untruthful on his job application and because they learned that he had failed the technical hair cut evaluation.

Pursuant to this Court's local rules, this matter was referred to Magistrate Judge Joseph R. McCrorey for a Report and Recommendation. The Magistrate Judge thoroughly analyzed the plaintiff's allegations as well the the defendants' responses in his Report and Recommendation. Upon review, the United States Magistrate Judge recommended that the the Court grant the defendants' motions for summary judgment and to dismiss.

As to his findings on dispositive matters, the Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. See Matthews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Recommendation to which specific objection is made. Plaintiff has filed objections to the Report and Recommendation.

The Court held a hearing on September 24, 2007. The plaintiff appeared at the hearing *pro se* and was given a full opportunity to argue his objections to Court. Upon consideration, the objections of the plaintiff are overruled. The Recommendation of the Magistrate Judge is approved.

Accordingly, for the reasons outlined in the well reasoned recommendation of the Magistrate Judge, plaintiff's motion for summary judgment is DENIED. Plaintiff's motion to strike is DENIED. Plaintiff's state law cause of action for defamation is DISMISSED. The motion for summary judgment of the defendants Sport Clips Forest Drive and Sport Clips Columbiana Drive is GRANTED. In addition, the motion of defendant Sport Clips Two Notch Road to dismiss is also GRANTED.

IT IS SO ORDERED.

s/MATTHEW J. PERRY, JR.

SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
October 15, 2007.